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### Supreme Court Jurisdiction

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## SUPREME COURT JURISDICTION

*N.Y. CONST. art. VI, § 7:*

*a. The supreme court shall have general original jurisdiction in law and equity and the appellate jurisdiction herein provided. In the city of New York, it shall have exclusive jurisdiction over crimes prosecuted by indictment, provided, however, that the legislature may grant to the city-wide court of criminal jurisdiction of the city of New York jurisdiction over misdemeanors prosecuted by indictment and to the family court in the city of New York jurisdiction over crimes and offenses by or against minors or between spouses or between parent and child or between members of the same family or household.*

*b. If the legislature shall create new classes of actions and proceedings, the supreme court shall have jurisdiction over such classes of actions and proceedings, but the legislature may provide that another court or other courts shall also have jurisdiction and that actions and proceedings of such classes may be originated in such other court or courts.*

## COURT OF APPEALS

Sohn v. Calderon<sup>1340</sup>  
(decided October 15, 1991)

The defendants, tenants of a rent-controlled and rent-stabilized building and the Division of Housing and Community Renewal (DHCR), claimed that the plaintiff-landlord lacked subject matter jurisdiction to bring an eviction proceeding in New York's supreme court. The defendants contended that such a proceeding could only be adjudicated by the DHCR. In a unanimous decision, the court of appeals held that although the New York State Constitution<sup>1341</sup> confers on the supreme court "original

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<sup>1340</sup>. 78 N.Y.2d 755 (1991).

<sup>1341</sup>. N.Y. CONST. art. VI, § 7.

jurisdiction in law and equity”<sup>1342</sup> to hear all causes of action, the legislature may choose to give to an agency of the executive branch, such as the DHCR, exclusive jurisdiction to adjudicate its own disputes.<sup>1343</sup>

In 1986, plaintiff’s building was severely damaged by fire. As a result of the fire damage, two actions were brought. The first was instituted by the New York City Department of Housing Preservation and Development (HPD), which notified the plaintiff that the building was in violation of the Housing Maintenance Code.<sup>1344</sup> The second action was brought by the tenants of the building to compel the plaintiff to repair the building to make it habitable.<sup>1345</sup>

In response to the HPD and tenant demands, the plaintiff brought several actions in the New York Supreme Court. First, he contended that “under the applicable rent-control and rent-stabilization regulations he was entitled to either demolish the building or to remove the housing accommodations from the market because the cost to render them safely habitable was equal to or exceeded the building’s assessed value.”<sup>1346</sup> Second, he asked the court to declare that he was entitled to obtain certificates of eviction.<sup>1347</sup> Third, he sought permanent injunctive relief to prohibit the HPD and tenants from pursuing their claims initiated in the administrative and civil courts.<sup>1348</sup> Lastly, he “moved for a preliminary injunction against HPD’s enforcement efforts and, alternatively, for an order consolidating his Supreme Court action with the pending Civil Court action brought by the tenants.”<sup>1349</sup>

In regard to the plaintiff’s last claim, the defendants opposed

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1342. *Id.* § 7(a).

1343. *Sohn*, 78 N.Y.2d at 767.

1344. *Id.* at 761.

1345. *Id.*

1346. *Id.* at 761-62 (citing Administrative Code of the City of New York § 26-408(b)(3), (4), (5)(a) (1989); N.Y. COMP. CODES R. & REGS. tit. 9, §§ 2204.8(a)(1), 2524.5(a)(2) (1985)).

1347. *Id.* at 762 (certificate of eviction is required before landlord can regain possession of a rent-controlled building). *Id.*

1348. *Id.*

1349. *Id.*

the motion, and asserted, *inter alia*, that the supreme court lacked subject matter jurisdiction to resolve the dispute. The supreme court implicitly rejected the defendants' claim for lack of subject matter jurisdiction by scheduling the dispute for trial. Subsequently, DHCR sought to intervene in the supreme court action for the limited purpose of contesting the court's jurisdiction. The supreme court denied DHCR's motion, concluding that it had concurrent jurisdiction to hear the case.<sup>1350</sup> The first department of the appellate division later affirmed the supreme court's ruling.<sup>1351</sup> On further appeal, the court of appeals reversed the appellate court's decision and ruled that the supreme court lacked subject matter jurisdiction.<sup>1352</sup> The court began its analysis by noting that the New York Supreme Court, pursuant to article VI, section 7, subdivision (a) of the state constitution, is a court of "general original jurisdiction in law and equity"<sup>1353</sup> that it "is competent to entertain all causes of action."<sup>1354</sup> The court, however, determined that subdivision (a) was inapplicable because "rent-control and rent-stabilization disputes are a modern legislatively created category not encompassed within the traditional categories of actions at law and equity . . ."<sup>1355</sup>

Furthermore, the court found that subdivision (b) of this constitutional provision was also inapplicable.<sup>1356</sup> The court observed that this subdivision confers on the supreme court, depending upon the legislative intent, exclusive or concurrent jurisdiction over "new classes of actions and proceedings."<sup>1357</sup> The court cautioned, however, that "it has never been suggested that every

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1350. *Id.* The supreme court stated that jurisdiction was proper because "from past experience, . . . if th[e] matter was referred to DHCR, it would not be afforded the expeditious treatment necessary to protect the rights of the litigants." *Id.*

1351. *Sohn v. Calderon*, 126 A.D.2d 503, 509 N.Y.S.2d 32 (1st Dep't 1986).

1352. *Sohn*, 78 N.Y.2d at 768-69.

1353. *Id.* at 766 (quoting N.Y. CONST. art. VI, § 7(a)).

1354. *Id.* (quoting *Thrasher v. United States Liab. Ins. Co.*, 19 N.Y.2d 159, 166, 225 N.E.2d 503, 506, 278 N.Y.S.2d 793, 798 (1967)).

1355. *Id.*

1356. *Id.* at 766-67.

1357. *Id.* at 766 (discussing N.Y. CONST. art. VI, § 7(b)).

claim or dispute arising under a legislatively created scheme may be brought to the Supreme Court for original adjudication.”<sup>1358</sup> Rather, the legislature, according to the court, may provide an administrative agency with exclusive original jurisdiction over regulatory disputes, subject to review by the judicial branch.

The court, surveying the rent-control and rent-stabilization provisions, found ample evidence that the state legislature intended the DHCR and HPD, legislatively created agencies of the executive branch, to have exclusive original jurisdiction. The court noted that the legislature permitted only the DHCR to adjudicate landlords’ requests to demolish their buildings. The court also noted that only the DHCR could approve “certificates of eviction” which according to the court “evinced a legislative intent to have issues arising in the [rent controlled] cases determined, in the first instance, by the agency.”<sup>1359</sup> The court of appeals concluded that the supreme court lacked subject matter jurisdiction to hear this case and further ruled that the proper forum was with the DHCR.

The court of appeals followed its reasoning in *Loretto v. Teleprompter Manhattan CATV*.<sup>1360</sup> In *Loretto*, the plaintiff, a landlord, contested the jurisdiction of the Commissioner on Cable Television to adjudicate compensation for a trespass dispute.<sup>1361</sup> Similar to the present case, the plaintiff in *Loretto* claimed that section 7, subdivision (b) of the state constitution conferred concurrent jurisdiction to the supreme court to entertain her claim. The court of appeals disagreed with the plaintiff’s contention and held that this subdivision applies only to court and not agency disputes. The court observed that the subdivision “makes no reference whatsoever to agencies as distinct from courts” and ruled that administrative agencies shall be given “first instance of adjudicatory function, subject to judicial

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1358. *Id.*

1359. *Id.* at 767 (citing Administrative Code of the City of New York § 26-408 (1989)).

1360. *Id.* at 768-69; *Loretto v. Teleprompter CATV*, 58 N.Y.2d 143, 446 N.E.2d 428, 459 N.Y.2d 743 (1983).

1361. *Loretto*, 58 N.Y.2d at 147, 446 N.E.2d at 431, 459 N.Y.S.2d at 746.

review.”<sup>1362</sup> Similarly, the court followed its prior interpretation of article VI, section 7 of the state constitution, articulated in *Loretto*, and ruled that the supreme court lacked original subject matter jurisdiction to entertain an agency dispute. In this instance, the court noted that the legislature has provided, by statute, that the agency shall have exclusive, original jurisdiction over rent-control and rent-stabilization disputes.<sup>1363</sup>

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1362. *Id.*

1363. *Id.* at 152-53, 446 N.E.2d at 434, 459 N.Y.S.2d at 749.